

### **REMARKS**

In response to the Office Action mailed on July 14, 2004, entry of the foregoing amendments is respectfully requested.

Applicants submit herewith a substitute Abstract on a separate sheet, which is a single paragraph of fewer than 150 words, and which further amends the abstract as presented in the Preliminary Amendment submitted January 10, 2001 by deleting the word "inventive" in the last sentence of the Abstract. No new matter has been added.

The Office Action indicated that the Information Disclosure Statements filed on December 15, 2000 and May 21, 2004 failed to comply with 37 C.F.R. 1.98(a)(3). On August 2, 2004, Applicants submitted a Second Supplemental Information Disclosure Statement, including English language abstracts for HU P9201446 and DE 538,073. Consideration of such references is respectfully solicited.

### **Claim Objections**

Claims 24 and 25 were objected to because claim 24 included a typographical error in the word "claim" and claim 25 included a typographical error in the word "from". These claims have been corrected as required in the Office Action.

### **Rejections Under 35 U.S.C. § 112, First Paragraph**

Claims 2 and 3 were rejected under 35 U.S.C. § 112, first paragraph, due to the specification allegedly not enabling a person skilled in the art to vary the cross-section of wort by any method other than that claimed in claim 3. Applicants have amended claim 2 to incorporate the language of claim 3, and have canceled claim 3. Inasmuch as claim 2 now recites the language of claim 3, which the Office Action appears to acknowledge is adequately enabled in the specification, it is believed the rejection is overcome.

**Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claim 1 was rejected as allegedly being indefinite for failing to provide proper antecedent basis for the phrase "the vessel's interior". Claim 1 has been amended by deleting "the vessel's interior" and substituting -- an interior of the vessel --.

Claim 6 was rejected due to a lack of antecedent basis for the phrase "the basic area of the vessel." In response, Applicants' amended claim 6 by deleting "the" before "basic area of the vessel" and substituting -- a --. Claim 16 was rejected due to a lack of antecedent basis for "the wort." In response, Applicants amended Claim 16 by deleting "the" before "wort" and substituting -- a --.

The foregoing amendments are believed and understood to overcome the rejections under 35 U.S.C. § 112, second paragraph.

**Rejections Under 35 U.S.C. § 102(a)**

Claims 1, 5, 7, 9-11, 16, 26, and 27 were rejected under 35 U.S.C. § 102(a), as allegedly being anticipated by Mitani, WO 98/15612. In the Office Action, Mitani is relied upon for its alleged showing of a wort boiling apparatus in which a pipe is located directly above a conical section, below which is located a heat exchanger. The Applicants' claims recite a feed pipe ending above the wort guiding screen for discharging wort from above onto the wort guiding screen. The Mitani reference fails to disclose such a feed pipe for discharging wort from above onto a wort guiding screen. Rather, the referenced structure in Mitani is an exhaust chimney, or conduit by which vapor is exhausted. The exhaust chimney of Mitani is part of the vessel, not a feed pipe to feed wort onto the screen. Additionally, the screen 4 of Mitani is not equipped with heating means, contrary to the recitation in Applicants' claims.

In the Applicants' invention, the wort is not boiled, as in a cooking vessel, by heating means on the underside of the vessel, but instead, is heated by providing a screen in the

interior of the vessel, and supplying the wort on top of the screen. The screen is provided with the heating elements, and therefore, the wort is boiled during its flow in a thin film over the heated screen surface. In Mitani, no means for heating the wort is disclosed other than a heat exchanger wherein a wort boiling apparatus with a conical section 4 is provided in the interior above such a heat exchanger 2. The Mitani reference is typical of the conventional arrangement over which the Applicants' invention is an improvement.

As to claim 16, the Mitani reference fails to disclose a method in which wort is discharged onto an inclined, heated guiding surface from which it flows down and spreads onto a sheet so as to be heated, as is recited in the Applicants' claim. Rather, the inner boiler 2 in Mitani ejects the wort onto the under side of the unheated screen 4, that then spreads the wort to the side. The recitation of the heated guiding surface in the claim is not anticipated by the Mitani reference. The anticipation rejections based on the Mitani reference are therefore respectfully traversed.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 6 and 8 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mitani. The arguments set forth above with respect to claim 1 not being anticipated by Mitani are incorporated herein by reference. Furthermore, it is respectfully submitted that the screen 4 of the Mitani reference performs an entirely different task than the guiding screen recited in claim 6. Additionally, there is no disclosure in Mitani of such a guiding screen covering at least two-thirds of a basic area of the vessel, as recited by claim 6. Indeed, the screen of Mitani does not even cover half of this basic area of the vessel.

As to claim 8, this claim should be allowable based on its dependence on other allowable claims. Further, the Mitani reference fails to disclose any specific angle values. There does not appear to be any suggestion in the Mitani reference to modify its teachings in

a way that would have rendered claims 6 or 8 obvious to a person of ordinary skill in the art at the time of the invention.

Claims 17-25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mitani in view of Applicants' admissions on pages 1 and 2 of the Specification.

Inasmuch as claims 17-25 are all dependent method claims, the arguments with respect to the patentability of independent claim 16 over Mitani are incorporated herein by reference.

Because dependent claims 17-25 set forth specific advantageous details of an allowable method claim, it is respectfully submitted that claims 17-25 are likewise in condition for allowance. With regard to claims 24 and 25, although the specific advantageous values for layer thickness of the wort flow in claim 24 and the flow rate in claim 25 could arguably be regarded as something that one of ordinary skill in the art can determine through trial and error, the claims provide an indication to the skilled person as to how to adapt the claimed method and select a construction in order to obtain an effective heating of the wort. In view of the unique method and structural arrangement recited in the independent claim from which claims 24 and 25 depend, it is respectfully submitted that these specific claim values are likewise allowable.

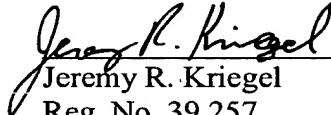
### **CONCLUSION**

The Mitani reference relied upon as the basis for all anticipation and obviousness rejections in the Office Action merely discloses conventional technology over which the Applicants' claims are an improvement. Given the reference's failure to disclose, teach, or suggest a heated guiding screen, as opposed to the conventional heat exchanger, as well as the other differences discussed above, it is respectfully submitted that all pending claims of the application are in condition for allowance. The Examiner's early reconsideration and favorable action are respectfully solicited.

Application No. 09/719,847  
Amendment dated October 21, 2004  
Responsive to Office Action mailed July 14, 2004

If the Examiner has any questions that might be easily resolved by telephone, he is invited to contact the Applicants' undersigned representative at (312) 474-6300. A check in the amount of \$110.00 for a one month extension of time, to and including November 14, 2004, is submitted herewith. In the event any additional fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Respectfully submitted,

  
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